

Champagne, Donald

From: Champagne, Donald
Sent: Friday, September 24, 2010 1:46 PM
To: 'tdavenport@dloip.com'
Subject: RE: Appl. 09/839451 - Attorney Docket 1003-001
 Taylor,

Thanks for the prompt reply.

Your reply is sufficient. I'll make this message train of record as an interview summary. Hopefully that will buy applicant some special consideration in the event I drop dead before October 22nd.

Let me state for the record that this is an unusual case. I could not in this case find one narrow feature that is allowable. Rather, I found the applicant has disclosed a lot of detail on how to conduct a business providing supplementary digital data to broadcasters. I also concluded that the business likely could offer broadcasters economies of scale. Hence, under 35 USC 101 the invention offers utility and could therefore be patentable if properly claimed.

I have begun writing a new claim to captures the substance of the entire spec. I found this task requires a couple hours of prime thinking time without disruptions, which I expect to have after October 15th.

Don

Donald L. Champagne, Primary Examiner
 USPTO AU 3688

From: tdavenport@dloip.com [mailto:tdavenport@dloip.com]
Sent: Friday, September 24, 2010 8:36 AM
To: Champagne, Donald
Subject: RE: Appl. 09/839451 - Attorney Docket 1003-001

Thank you for looking into this. In view of your comments, I concur that it makes sense to suspend the interview request until such time as we have had a chance to review your proposed amendment. Please advise whether this email is sufficient for that purpose or if you need a more formal filing from us.

Regards,

Taylor Davenport
 Davenport Law Offices
 5018 Hollyridge Drive
 Raleigh, NC 27612
 www.davenportlawoffices.com
 (203) 832-2389

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From: Champagne, Donald [mailto:Donald.Champagne@USPTO.GOV]
Sent: Thursday, September 23, 2010 4:51 PM
To: 'tdavenport@dloip.com'
Subject: Appl. 09/839451 - Attorney Docket 1003-001

9/24/2010

Taylor,

I apologize for the delay in replying. My review of the application late last week started to yield results. I started drafting claim language I could allow. I did not have time to finish, but I am optimistic that I can draft something allowable that is worthy of applicant's consideration.

As an alternative to the planned interview next Tuesday (September 28th), I suggest applicant wait until I can finish what I started last week. I have Office and personal demands on my time through October 15th. I propose to get back to you with a draft examiner's amendment by October 22nd.

As to the prior art you suggested (below), it does not appear to address whether or not a corporate entity defined only by law can be given patentable weight. (See para. 12(A) of the rejection mailed 24 August 2010.) "System" is used in the claims to mean a machine. "Airline" is used in the claims only as an adjective (e.g., for a limitation to an "airline ticket"). "Magazine" is used in the claims only to describe the commodity, not the corporate entity.

Regards,

Don

Donald L. Champagne, Primary Examiner
USPTO AU 3688

From: Champagne, Donald
Sent: Tuesday, September 14, 2010 7:06 PM
To: 'tdavenport@dloip.com'
Subject: RE: 09/839451

Taylor,

Thank you. I'll look at this material over the weekend. I'm also going to review the spec. *de novo* to see if I can find a basis for allowance. I plan to get back to you by the end of next Monday, September 20th - Don

From: tdavenport@dloip.com [mailto:tdavenport@dloip.com]
Sent: Monday, September 13, 2010 12:15 PM
To: Champagne, Donald
Subject: 09/839451

Per our conversation, here are a number of patents that feature a 3 way interchange between the parties.

7475028 and 6014641 – to Walker and Synapse - a three way relationship between buyer, system and magazine provider.

6415264; 6085169; 7620619; 7664672 – Priceline patents featuring buyer, airline and system

6379247 – frequent flier miles awarded to a gambler through a gaming machine

Also of interest (although my quick search did not turn up anything great (I will keep looking)) advertising push to mobile terminal users (3 way between ad provider, user and cellular provider) as well as some of the ebay patents (buyer, seller, system).

Hope this helps. I will try to touch base with you early next week about the interview.

Regards,

Taylor Davenport
Davenport Law Offices
5018 Hollyridge Drive
Raleigh, NC 27612

9/24/2010

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9/24/2010